

EXHIBIT Y

**THIRTY-SECOND LEGISLATURE OF THE VIRGIN ISLANDS
OF THE UNITED STATES**

Charlotte Amalie, St. Thomas
Virgin Islands

* * *

REGULAR SESSION

Part IV

June 27, 2017

Earle B. Ottley Legislative Hall
United States Virgin Islands

SENATORS PRESENT:

SENATOR MYRON D. JACKSON, PRESIDENT
SENATOR NEREIDA RIVERA-O'REILLY, VICE-PRESIDENT
SENATOR JEAN A. FORDE, SECRETARY
SENATOR NEVILLE A. JAMES, MAJORITY LEADER
SENATOR MARVIN A. BLYDEN
SENATOR DWAYNE M. DEGRAFF
SENATOR NOVELLE E. FRANCIS
SENATOR ALICIA "CHUCKY" HANSEN
SENATOR POSITIVE T. A. NELSON
SENATOR TREGENZA A. ROACH
SENATOR KEVIN A. RODRIQUEZ
SENATOR SAMMUEL SANES
SENATOR BRIAN A. SMITH
SENATOR KURT A. VIALET
SENATOR JANETTE MILLIN YOUNG

I N D E X

<u>ITEM</u>	<u>PAGE</u>
1. Session reconvenes.....	3
2. Motion by Senator Hansen.....	4
3. Questioning by Senators:	
Senator Sammuel Sanes.....	8
Senator Jean A. Forde.....	15, 22, 37, 102
Senator Positive T. A. Nelson.....	16
Senator Brian A. Smith.....	24
Senator Dwayne M. DeGraff.....	29
Senator Novelle E. Francis, Jr.....	38
Senator Nereida Rivera-O'Reilly.....	44, 72, 98, 110
Senator Janette Millin-Young.....	49
Senator Marvin A. Blyden.....	53
Senator Alicia "Chucky" Hansen.....	60
Senator Kurt A. Vialet.....	64
Senator Tregenza A. Roach.....	76
Senator Neville A. James.....	83
Senator Myron D. Jackson.....	93
4. Recess taken.....	119

P-R-O-C-E-E-D-I-N-G-S:

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(Regular Session rises into Committee of the Whole.)

(The Committee of the Whole rises out of recess.)

SENATOR RIVERA-O'REILLY: Okay. Colleagues, let's settle down. Settle down, colleagues. I -- the testifiers need to resume their seat. Thank you. I think we are missing Mr. Morales and Attorney Jackson, and Ms. Scipio. Point of information, Senator -- Majority Leader Senator James.

SENATOR JAMES: Thank you very much Madam Chair. I just wanted to correct a statement made with respect to burden of proof. There is no burden of proof here in the Legislature. I think that -- but that needs to be very very clear. We don't have the ability to arrest anybody what have you. There is no burden of proof. If we make a motion to request a public document what have you, at the appropriate time an agency will make it available to us. If they feel inclined to not make it available to us, they will work through the Department of Justice to let us know that we don't have the ability to get a particular document for whatever -- there is no burden of proof when you are requesting information.

1 Thank you very much, Madam Chair.

2 **SENATOR RIVERA-O'REILLY:** You're welcome,
3 Senator James. Motion, Senator Hansen.

4 **SENATOR HANSEN:** Thank you. My motion Madam
5 President is that upon the request of Mr. Rodriguez's or
6 Ms. Janelle Sarauw's tax return that each one of us, all
7 15 of us tax return be requested including my own, as well
8 the Governor of the Virgin Islands.

9 I so move.

10 **SENATOR MILLIN-YOUNG:** Second.

11 **SENATOR RIVERA-O'REILLY:** The motion -- is there
12 an objection to the motion? There's an amendment to the
13 motion. Amendment to the motion, Senator Vialet.

14 **SENATOR VIALET:** Put for the past 20 years.

15 **SENATOR RIVERA-O'REILLY:** Would you please make
16 the amendment on the record. Microphone for Senator
17 Vialet.

18 **SENATOR VIALET:** I so move that the amendment
19 made that we add on the terminology for the past 20 years.

20 I so move.

21 **SENATOR RIVERA-O'REILLY:** Okay. So we're going
22 -- so there is an -- yes it was second by Forde -- by
23 Senator Forde. I'm sorry, Senator. Okay. So members, we
24 have an amendment to the motion. It's been -- if there is
25 a sufficient second on the amendment to the motion and

1 there was an objection, roll call on the amendment to the
2 motion.

3 **MS. MAHONEY:** Senator Blyden? Senator Blyden?

4 **SENATOR BLYDEN:** Yes.

5 **THE CLERK:** Senator Blyden, yes.

6 Senator DeGraff?

7 **SENATOR DEGRAFF:** No.

8 **THE CLERK:** Senator DeGraff, no.

9 Senator Forde?

10 **SENATOR FORDE:** No.

11 **THE CLERK:** Senator Forde no.

12 Senator Francis, Jr.?

13 **SENATOR FRANCIS:** No.

14 **THE CLERK:** Senator Francis, Jr., no.

15 Senator Alicia "Chucky" Hansen?

16 **SENATOR HANSEN:** Yes.

17 **THE CLERK:** Yes. Senator Hansen, yes.

18 Senator Jackson?

19 **SENATOR JACKSON:** Yes.

20 **THE CLERK:** Senator Jackson, yes.

21 Senator James?

22 **SENATOR JAMES:** No.

23 **THE CLERK:** Senator James, no.

24 Senator Millin-Young?

25 **SENATOR MILLIN-YOUNG:** No.

1 **THE CLERK:** Senator Millin-Young, no.

2 Senator Nelson? Senator Nelson?

3 **SENATOR NELSON:** No.

4 **THE CLERK:** Senator Nelson, no.

5 Senator O'Reilly?

6 **SENATOR RIVERA-O'REILLY:** Yes.

7 **THE CLERK:** Senator O'Reilly, yes.

8 Senator Roach? Senator Roach? Senator Roach.

9 Not voting.

10 Senator Sanes?

11 **SENATOR SANES:** Yes.

12 **THE CLERK:** Senator Sanes, yes.

13 Senator Smith?

14 **SENATOR SMITH:** No.

15 **THE CLERK:** Senator Smith, no.

16 Senator Violet? Senator Violet, not voting.

17 Mr. President, five yeas, seven nays, two not
18 voting.

19 **SENATOR RIVERA-O'REILLY:** The amendment fail.

20 Now there is a motion on the floor with a sufficient
21 second and an objection.

22 Roll call on the motion.

23 **THE CLERK:** Senator Blyden? Senator Blyden, not
24 voting.

25 Senator DeGraff? Senator DeGraff?

1 **SENATOR DEGRAFF:** Yes.

2 **THE CLERK:** Senator DeGraff, yes.

3 Senator Forde?

4 **SENATOR FORDE:** No.

5 **THE CLERK:** Senator Forde, no.

6 Senator Francis, Jr.?

7 **SENATOR FRANCIS:** No.

8 **THE CLERK:** Senator Francis, Jr., no.

9 Senator Alicia "Chucky" Hansen?

10 **SENATOR HANSEN:** Yes.

11 **THE CLERK:** Senator Hansen, yes.

12 Senator Jackson?

13 **SENATOR JACKSON:** No.

14 **THE CLERK:** Senator Jackson, no.

15 Senator James?

16 **SENATOR JAMES:** No.

17 **THE CLERK:** Senator James, no.

18 Senator Millin-Young? Senator Millin-Young, not
19 voting.

20 Senator Nelson?

21 **SENATOR NELSON:** Yes.

22 **THE CLERK:** Senator Nelson, yes.

23 Senator O'Reilly?

24 **SENATOR RIVERA-O'REILLY:** No.

25 **THE CLERK:** Senator O'Reilly, no.

1 Senator Roach? Senator Roach, not voting.

2 Senator Sanes?

3 **SENATOR SANES:** No.

4 **THE CLERK:** Senator Sanes, no.

5 Senator Smith?

6 **SENATOR SMITH:** No.

7 **THE CLERK:** Senator Smith, no.

8 Senator Violet?

9 **SENATOR VIALET:** No.

10 **THE CLERK:** Senator Violet, no.

11 Mr. President, three yeas, eight nays, two --
12 three not voting.

13 **SENATOR RIVERA-O'REILLY:** Motion fails. Okay.
14 We're going to be needing a new one of these today. The
15 -- now we going to proceed with Senator Sanes, and his
16 five minutes.

17 **SENATOR SANES:** Thank you Madam Chair and good
18 evening to everyone. This is addressed to senator-elect
19 Rodriguez. In the -- good evening first of all, sorry
20 about that. Good evening.

21 **MR. RODRIGUEZ:** Good evening, Senator.

22 **SENATOR RIVERA-O'REILLY:** I'm sorry. I'm sorry.
23 Please hold the senator's time increase. We will increase
24 the time to seven. If you don't need all seven then you
25 may return it to the Chair.

1 **SENATOR SANES:** Thank you.

2 **SENATOR RIVERA-O'REILLY:** Please start the
3 senator's time.

4 **SENATOR SANES:** Once again this is to Mr.
5 Rodriguez, senator-elect Rodriguez. In the bankruptcy
6 petition that you filled out, how was it filled out? Did
7 you verbally give the information to the paralegal or did
8 you fill it out on your own?

9 **MR. RODRIGUEZ:** No. I didn't fill out on my
10 own.

11 **SENATOR SANES:** Who filled it out?

12 **MR. RODRIGUEZ:** It was filled out by the
13 paralegal.

14 **SENATOR SANES:** Base on what documents?

15 **MR. RODRIGUEZ:** The documents we provided to
16 them were our proof of income and also debt, and that was
17 the only information I gave them.

18 **SENATOR SANES:** So where did they get -- so you
19 assumed that they saw the address Indian Summer Drive and
20 that's -- you assumed that that's what they put down,
21 because they thought you were living there?

22 **MR. RODRIGUEZ:** Yes.

23 **SENATOR SANES:** And did they asked you then the
24 question during the last three years have you lived
25 anywhere other than where you live now? Did they ask you

1 that or they just filled it out on their own?

2 MR. RODRIGUEZ: No. They never asked me that
3 question.

4 SENATOR SANES: So they filled it out on their
5 own? They assumed once again?

6 MR. RODRIGUEZ: That's correct.

7 SENATOR SANES: What's the name of this law firm
8 so I wouldn't be able to use it? Just kidding.

9 So this was filled out. When did you detect
10 this mistake?

11 MR. RODRIGUEZ: Actually when it was -- when I
12 heard the objection to my candidacy.

13 SENATOR SANES: Did you receive any type of
14 damages --

15 MR. RODRIGUEZ: Pardon me?

16 SENATOR SANES: Did you receive any type of
17 damages from this -- from this procedure? Any
18 compensation any -- what was the result of this
19 bankruptcy?

20 MR. RODRIGUEZ: Well, our first option was to
21 file the bankruptcy to stop the eviction. And then in
22 tandem as part of the bankruptcy, not a separate
23 proceeding, as part of the bankruptcy we were able to
24 negotiate and settle with the extension of staying in the
25 home for an additional six months.

1 **SENATOR SANES:** So the compensation was only six
2 months stay in your home?

3 **MR. RODRIGUEZ:** And attorney fees, yes.

4 **SENATOR SANES:** And attorney fees.

5 **MR. RODRIGUEZ:** Yes.

6 **SENATOR SANES:** So you were compensated for
7 attorneys fees?

8 **MR. RODRIGUEZ:** Well, no. Well, they ain't
9 compensate me. They paid the attorney.

10 **SENATOR SANES:** Okay. So what would have
11 happened if the answer instead of 4956 Indian Summer Drive
12 would have read Anna's Retreat? Would this would have
13 moved forward to your knowledge?

14 **MR. RODRIGUEZ:** Yes, because the attorney was
15 aware that I was living in the Virgin Islands.

16 **SENATOR SANES:** So it didn't matter what address
17 was there it would have still moved forward?

18 **MR. RODRIGUEZ:** To my knowledge.

19 **SENATOR SANES:** Okay, to your knowledge. We
20 don't have the bankruptcy expert here. So the attorney --
21 do you think this would have move forward if the address
22 would have been the St. Thomas address?

23 **MR. JACKSON:** There are a number of ways you can
24 file bankruptcy. One of which is to state that your
25 residency, the other is which is to say your main asset

1 that you're trying to protect in the bankruptcy is that
2 address.

3 **SENATOR SANES:** In this case if Anna's Retreat
4 address would have been submitted here, would it have move
5 forward?

6 **MR. JACKSON:** It would move have forward because
7 you would have filed it differently. You would have said
8 that in effect the asset we're trying to protect is the
9 Tennessee asset. Irrespective of where you live, if the
10 asset you're trying to protect is in Tennessee that's
11 another basis for filing the bankruptcy.

12 **SENATOR SANES:** So the main issue here is not
13 the address per se. Well, it is part of it. But the main
14 issue here is that during the last three years, have you
15 live anywhere other than where you live now, and the
16 answer is no. Is that the damaging factor in this
17 document?

18 **MR. JACKSON:** We submit no because he could have
19 filed it saying that the asset, the main asset we're
20 trying to protect is the Tennessee address.

21 **SENATOR SANES:** But as we read this right now,
22 regardless of whether it was filed wrong or not. If we
23 read this right now what this document states is that
24 during the last three years, you have not lived anywhere
25 other than where you have lived now. In other words,

1 during the last three years you have lived in 4956 Indian
2 Summer Drive as per this document as it stands.

3 Irregardless -- regardless if there was a mistake.

4 **MR. JACKSON:** Sure. If there's ever a mistake
5 determining your bankruptcy filing, you have the right to
6 amend your bankruptcy petition to correct it. What I'm
7 also saying is you didn't have to file that bankruptcy
8 with respect to saying that you were living there.

9 **SENATOR SANES:** Attorney, no. I understand
10 that.

11 **MR. JACKSON:** Okay. I'm sorry.

12 **SENATOR SANES:** My question to you as it stands
13 regardless of whether it was a mistake or not, as it
14 stands when you read this document it state that
15 senator-elect Rodriguez lived in 4956 Indian Summer Drive
16 for the past three years, as it stand.

17 Okay. In the other document that we received,
18 the document and I want to make sure that I get it right.
19 In the document Kevin Rodriguez, debtor -- Kevin
20 Rodriguez, the Plaintiff vs. Nation Star Mortgage. It
21 also state that, and I'm going to read it. This is
22 Document 5 of 12. It says here "Venue is proper in this
23 district, because the asking transactions occurred here.
24 Plaintiff resides here and defendant transact business
25 here. Parties involved Plaintiff, Kevin Rodriguez, is a

1 citizen and resident of Davidson County, Tennessee --

2 **MS. WARNER:** One minute thirty seconds.

3 **SENATOR SANES:** -- here and after referred to as
4 the plaintiff." And this was I assume filled out by Keith
5 Slocum, is that correct?

6 **MR. RODRIGUEZ:** That's correct.

7 **SENATOR SANES:** Is that your attorney?

8 **MR. RODRIGUEZ:** Yes.

9 **SENATOR SANES:** So was that another mistake or
10 was this a factual information in this document?

11 **MR. RODRIGUEZ:** It was another mistake because I
12 was not -- I was living in St. Thomas communicating with
13 him. And so he said we're going to move ahead with the
14 petition, and he filed it.

15 **SENATOR SANES:** So not to doubt your word, but
16 you're saying that the mortgage company made a mistake in
17 this document, and an attorney made a mistake in this
18 other document?

19 **MR. RODRIGUEZ:** Well, I believe because it was
20 the same lawsuit they probably -- they may have used the
21 same information that they did in the original, because
22 it's just a continuation. It's not two separate filings.

23 **SENATOR SANES:** But we talking about two
24 different entities though. We talking a mortgage -- a
25 mortgage company --

1 **THE TIMEKEEPER:** Thirty seconds.

2 **SENATOR SANES:** -- is that correct and a single
3 attorney Keith D. Slocum.

4 **MR. RODRIGUEZ:** With the filing of the
5 bankruptcy.

6 **SENATOR SANES:** Did you get a chance to review
7 this?

8 **MR. RODRIGUEZ:** I just reviewed it. I probably
9 just reviewed it and signed it.

10 **SENATOR SANES:** Okay. I want to thank you and
11 the testifiers for your time. Thank you Mr. Chair. I
12 didn't see the change.

13 **SENATOR FORDE:** Thank you Senator Sanes. And if
14 I can just follow through on his question. Having
15 recognized that a mistake had occurred, have you taken any
16 steps to make corrections to these documents?

17 **MR. RODRIGUEZ:** It has been dismissed. That was
18 one of the discussions that I had with the attorney. I
19 contacted him when I realized and I only found out that
20 that was in effect when you hear it all over the Virgin
21 Islands. As a matter of fact, I called my wife and I
22 asked her that question, do you remember. She said no
23 they never asked us that question. And so I called them
24 up and said can we amend. He said no. There's no reason
25 to amend because everything has been dismissed. So you

1 can't amend something that has been dismissed.

2 **SENATOR FORDE:** Senator Nelson, you're
3 recognized for your minutes.

4 **SENATOR NELSON:** Mr. Chair, thank you very much.
5 Good evening to everyone.

6 **THE TESTIFIERS:** Good evening.

7 **SENATOR NELSON:** I still maintain that the
8 precedence that we are setting relative to calling for
9 individual's tax returns from this body is a bad
10 precedence, and I'm quite certain it's going to come and
11 haunt us one day.

12 Mr. Rodriguez, did you lie on federal document?

13 **MR. RODRIGUEZ:** No.

14 **SENATOR NELSON:** Okay. You say someone saw the
15 filings and told an anonymous person. Is that anonymous
16 person Ms. Moses you believe?

17 **MR. RODRIGUEZ:** There's reason to believe.

18 **SENATOR NELSON:** Okay. Did you file a case
19 against Ms. Moses --

20 **MR. RODRIGUEZ:** No.

21 **SENATOR NELSON:** -- before?

22 **MR. RODRIGUEZ:** No.

23 **SENATOR NELSON:** Previously? The bump that you
24 all had was relative to this backdating of these
25 agreements --

1 **MR. RODRIGUEZ:** Well, there were several issues.

2 **SENATOR NELSON:** Okay. So you all had some
3 issues.

4 **MR. RODRIGUEZ:** Yes.

5 **SENATOR NELSON:** So do you believe that it might
6 have been in retaliation that this was done?

7 **MR. RODRIGUEZ:** That's absolutely correct.

8 **SENATOR NELSON:** Let me ask you a question.
9 Were you born in St. Thomas?

10 **MR. RODRIGUEZ:** Yes.

11 **SENATOR NELSON:** You know, I am sitting here all
12 day and even previous to today, and I wasn't born here.
13 Okay, I was born in St. Kitts. I'm a naturalized citizen,
14 yes. But I'm sitting here all day and I'm, you know, in
15 the past few weeks and mulling over this whole residency
16 issue. And when you think about a native son going off
17 and coming back and have to go through this residency
18 claim that's BS, and all of us know it. That's an old law
19 that needs to change. What the amendment to this law
20 should say unless you're a native born, okay.

21 We got to be courageous enough to change things.
22 Not arguing about things 30, 40, 50 years old and not
23 doing anything about it, and that's what I'm telling you
24 all. We have to have the courage to do something
25 different. But, anyway, that's the issue in front of us.

1 But I feel it's unfortunate that someone who is born here
2 have to be subjected to this. I mean we go away --
3 suppose he was out of college, went straight to college --
4 you know, sometime around here politically they try to
5 kill you so you have to go someplace else to earn a
6 living, and when the administration change you come back
7 to it. You all know that. You know we had a very
8 vindictive administration in the past. Shucks this one
9 ain't too bad either as far as the vindictiveness. You
10 all know how it is. So sometimes unfortunately we have to
11 go someplace in order to get to eat, all right, to live.

12 So if a native born person go off island to live
13 and figure you know what I going back home to make a
14 difference should they be prevented? To me the electorate
15 has the say so. If the electorate feel if the person
16 wasn't here long enough, they could determine that. But
17 all of this stuff I tell there's more in the mortar than
18 the pestle, and we don't want to admit it.

19 You know, yes, the senator, the Finance Chair,
20 is going to get up and talk this and all this defense, but
21 let's admit the truth of the matter. It's a Democrat
22 who's a member of the Board who actually did this. Okay,
23 nobody want to talk about that. So what's up with all of
24 that? Since you all want to act so clean and prim and
25 proper Democrats except for Senator Millin-Young. She's a

1 good one. That's a good one. You know that one was
2 coming, right. So I want you all to really think about
3 what's really going on, and I'm hoping that members of the
4 Party are ready to go clean and clean this thing up,
5 because it's a mess.

6 For years you could push Glen Smith, but, you
7 know, I ain't afraid to tell you all it's mess, and it
8 need to be clean. And before you all keep trying to
9 recruit people just to have numbers in this big old messed
10 up pool, I think you all should try to clean it up, and
11 value people when you bring them and not want to have
12 puppets. I'll tell you all of them talk about the Party
13 and the Party bosses, but out here everybody going to act
14 like they're chum buddy holding hands. I've been here for
15 13 years, and I've heard a lot of conversation about all
16 you all Party bosses from them, from Democrats, because
17 you know I don't be in your meetings. So how would I
18 know? But they aren't brave enough to do something
19 different. Come in here trying to recruit me, ayo mad?

20 So I want to say this Ms. Rodriguez it is
21 commendable that even though you all had your falling out,
22 and, you know, dispute that despite all of have that, two
23 things I heard here. He came to your aid and your coming
24 to his. That's like a love story, you know, and I'm
25 hopeful that -- you know, as the children are watching

1 that I'm hopeful that you all could find -- and this is
2 not on the subject matter, and I might be out of place in
3 saying this. I don't know you all business. But I'm
4 hopeful that through all of this that you all can kind of
5 find your way, you know, even if not for your own sake for
6 the children's sake. You know something I think mystical
7 is happening. God is in the midst of things, and
8 sometimes He puts us through certain hardships so that we
9 could find our way. So that -- that was commendable. You
10 touched me when I heard you're here on your husband's
11 behalf. To heck with what happened, okay, and that's
12 good.

13 Mr. Rodriguez, listen I feel strongly that I
14 said it before and I am going to say again. This
15 Legislature owes you whether they seat you or not, they
16 owe you from January. And I believe if there's going to
17 be the case that Ms. Sarauw is not going to be seated that
18 somebody should reimburse her for that special election
19 that she ran in. We can't just do things and cost people
20 and feel like it's okay. Okay, I'm a principle person,
21 because we in control of power here, you this high handed
22 stuff we going on the person who was sitting as chair, I
23 hope you all watching this, and I hope the public is
24 watching this. You seeing people in power and you see
25 them abusing power.

1 **THE TIMEKEEPER:** One minute thirty seconds.

2 **SENATOR NELSON:** The same person that used to
3 complain the most about abuse of power, now that they have
4 power in their hand they're abusing it. You watching the
5 snobbishness going on all day. And we're expected to just
6 sit through this to be calm and be cool. Well, it's not
7 cool; it's not all right. I've been elected, duly elected
8 seven times. But you all going to sit here and just
9 disrespect the process. And I thought that it was
10 unfortunate that when my colleague try to speak up on
11 behalf of the body, that a member of the Majority going to
12 first response, immediate response is look out for
13 yourself not the body. Well no. Your Majority Leader
14 would tell you that we had training that says that we're
15 part of a body that is bigger than any one of us. And all
16 of us are stained by what's not done or done inside here.
17 So it's best that we try to look out in it, because we all
18 on this boat.

19 So Mr. Rodriguez I don't know what's going to be
20 the fate of this night, but in the election process the
21 people of St. Thomas have elected you. The issues
22 relative to the residency issues as far as the court
23 concern they didn't raise it up. They dismissed that,
24 and, you know, we're willing to move -- I'm willing to
25 forward whatever that is.

1 **THE TIMEKEEPER:** Thirty seconds.

2 **SENATOR NELSON:** But I believe putting you
3 through this, requesting of the taxes all that stuff, I
4 think you said yes because you felt that you had to
5 comply. And I would have done something different,
6 because none of them as you heard want their taxes to be
7 seen, all right. So I don't know why they asking you
8 that.

9 So again, Mr. And Mrs. Rodriguez, attorneys I
10 don't have no questions for you all except that I'm
11 hopeful that -- for Mr. Morales I'm hopeful that you all
12 can do something different about this Democratic party,
13 because you all been in control here for about 40
14 something years. So I could directly blame the Democratic
15 Party for the conditions of the Virgin Islands. So I'm
16 hopeful that the young Democrats led by Senator
17 Millin-Young and the others who want to do something
18 different, are willing to step forward to do something
19 different.

20 **THE TIMEKEEPER:** Time.

21 **SENATOR NELSON:** You all say you all are the
22 young Democrats, start to act like you all have innovation
23 in your blood. Thank you very much.

24 **SENATOR FORDE:** Thank you Senator Nelson.
25 You're one step closer to being a Democrat. I

1 congratulate you. First of all -- just a minute.

2 Attorney Jackson, let me for clarification, is it your
3 understanding of what was requested of Mr. Rodriguez was
4 his tax returns or is it just an update of the filing of
5 taxes?

6 **MR. JACKSON:** My understanding it was a request
7 for the tax returns, but we would have no problem with
8 providing this body with proof that the taxes were in fact
9 filed. Just like the letter that was read said that they
10 did not have copies of some of the years, the same IRB
11 could give a letter that say yes we have the tax returns
12 for those three years.

13 **SENATOR FORDE:** Right. Because I was of the
14 understanding that that's what was requested --

15 **MR. JACKSON:** I misunderstood then.

16 **SENATOR FORDE:** -- in reference to those
17 letters.

18 **MR. JACKSON:** We certainly have no problem with
19 producing the letter that says that his taxes were in fact
20 filed here in the Virgin Islands. We do have a little
21 issue with filing -- with providing you with the actual
22 tax returns. What we did do, I should submit it, in
23 senator-elect Rodriguez's exhibits, we did provide this
24 body with those tax returns. However, we redacted them
25 before we submitted them. There's certain personal

1 information that we choose not to provide, but the fact
2 that he filed them here we of course want this body to
3 have that evidence because it proves one aspect -- that's
4 one element of proving that he's resident here where he
5 filed his tax returns.

6 **SENATOR FORDE:** Very well. Senator Smith,
7 you're recognized for your minutes.

8 **SENATOR SMITH:** Thank you very much, Mr.
9 Chairman. I want to say good afternoon again to the
10 testifiers, the viewing and listening audience.

11 **THE TESTIFIERS:** Good afternoon. Good evening.

12 **SENATOR SMITH:** Ms. Scipio, please give me a
13 little bit of background information regarding Mr.
14 Rodriguez's character to the best of your knowledge.

15 **MS. PENN-SCIPIO:** To the best of my knowledge
16 Mr. Rodriguez --

17 **SENATOR FORDE:** If you can speak into the mic
18 please. Come a little closer to it.

19 **MS. PENN-SCIPIO:** What can I say. He's a
20 honorable man, hard working, family man.

21 **SENATOR FORDE:** Look straight ahead, Ms. Scipio.
22 Thank you.

23 **SENATOR SMITH:** Have you every known him to like
24 try to cut corners or try to beat somebody out or try to
25 get ahead in the wrong way?

1 **MS. PENN-SCIPPIO:** Not to my knowledge.

2 **SENATOR SMITH:** Not to your knowledge. Thank
3 you very much. Mr. Morales, how long have you known Mr.
4 Rodriguez?

5 **MR. MORALES:** Most of he life.

6 **SENATOR SMITH:** Okay. Most of his life, okay.
7 Tell me what -- describe to me what kind of person he is
8 as far as character.

9 **MR. MORALES:** I think Mr. Rodriguez have an
10 outstanding character.

11 **SENATOR SMITH:** So to the best of your
12 knowledge, you don't think he'll cut corners or
13 deliberately try to do something to get ahead?

14 **MR. MORALES:** No. Mr. Rodriguez have showed me
15 that he's a hard worker, and he works hard for what he
16 wants.

17 **SENATOR SMITH:** I want to ask Mr. Jackson. Even
18 though you're his attorney, over the course of these few
19 months, these several months, what kind of person you
20 think you've met before you, because you have been doing
21 this thing a while so you got to understanding of
22 judgement and character. Tell me what kind of person he
23 is?

24 **MR. JACKSON:** Upstanding, a person of high moral
25 character, intelligent, hard working, committed.

1 **SENATOR SMITH:** Okay. To the best of your
2 understanding, have he ever come across like scheming or
3 trying to give you a six for a nine or trick you?

4 **MR. JACKSON:** Not to me and I've never heard
5 that about him.

6 **SENATOR SMITH:** Okay. Ms. Rodriguez, do the
7 same thing for me please.

8 **MS. RODRIGUEZ:** I've known Kevin for a little
9 over 13 years now, and I've never know him to cut corners.
10 If it's wrong, it's wrong. If it's right, it's right.
11 Wherever the chips fall, that's where they fall, but he's
12 always, always on the side of doing the right thing
13 regardless of what that means for those involved.

14 **SENATOR SMITH:** Okay. Mr. Rodriguez, tell me do
15 you know if any criminal complaint have been filed against
16 you in Tennessee or is going to be filed against you in
17 Tennessee, or any indictment regarding any possible
18 criminal conduct in the State of Tennessee?

19 **MR. RODRIGUEZ:** No, because what I did was not
20 illegal.

21 **SENATOR SMITH:** Okay. Through the Chair to
22 Attorney Tharpes, we keep easing this word judicial
23 estoppel. And in this environment right here as we in
24 right now, I want to put it on the record. I could
25 careless about the word "judicial estoppel", because we

1 are in the Legislature. If we keep using -- where do we
2 use this jargon judicial estoppel? Where do we use it?
3 Where is it used?

4 **SENATOR FORDE:** Through the Chair to Attorney
5 Tharpes.

6 **SENATOR SMITH:** Please. Sorry about that Mr.
7 Chair.

8 **ATTORNEY THARPES:** Through the Chair to Senator
9 Smith, it is used in most jurisdictions within the courts.
10 Some administrative agencies also employ the doctrine.

11 **SENATOR SMITH:** Okay. Would that doctrine ever
12 be used inside the Legislature?

13 **ATTORNEY THARPES:** Well, I suppose if the
14 Legislature would adopt rules, our rules don't use it nor
15 our back up default rules, Mason's Manual of Legislative
16 Procedure, is not there. With respect to 6(b) and 6(g),
17 the Legislature should look at the actual qualifications
18 rather than a legal fiction that does not get the purpose
19 of judicial estoppel is not to ascertain the facts.

20 **SENATOR SMITH:** Okay. So through the Chair,
21 tell me are the six criteria under the Revise Organic Act
22 are those the litmus test that must be tested to see if
23 this guys fits the criteria to be a Virgin Islands
24 senator, those six criteria. Please go ahead.

25 **ATTORNEY THARPES:** Through the Chair, those are

1 the only criteria and of course followed up by taking an
2 oath, and courts have ruled that you can't, especially if
3 this is a federal statute, you cannot add any other
4 additional qualifications to it.

5 **SENATOR SMITH:** Okay. Thank you.

6 **THE TIMEKEEPER:** One minute thirty seconds.

7 **SENATOR SMITH:** You know, we might argue back
8 and forth, and try to point fingers and blame. But I
9 don't believe in pointing fingers or blaming anyone in
10 saying that we could have sworn in Rodriguez or
11 senator-elect Mr. Rodriguez back in January when the
12 Supreme Court bounce it back and say hey take control of
13 this case and move forward. I don't want to pass the
14 blame on that. I don't want to create an autopsy and go
15 backwards. All I want to think about now is how can we
16 make what was possibility wrong right. That's all I care
17 about. How can we do what was possibility wrong to
18 somebody who have served, and we've listened to all these
19 testimony. I hadn't heard one bad character witness or
20 one person say that Rodriguez personally was living in
21 Tennessee. No, I'm not going to go back and say from
22 February 7th of this year when the District Court
23 dissolved -- dismissed those charges against Rodriguez we
24 could have sworn him in.

25 **THE TIMEKEEPER:** Thirty seconds.

1 **SENATOR SMITH:** I'm not going to go back on
2 that. But it's food for thought. Could this man here be
3 sworn in back in January? Could this man here have been
4 sworn in February after the District Court handled it?
5 But now we're here on a third -- third swing, a third
6 swing at the ball we have to make sure that we weigh
7 everything and not use terminology that's used in
8 courts --

9 **THE TIMEKEEPER:** Time.

10 **SENATOR SMITH:** -- to make a stance here. Let's
11 look at the facts. The man is in our hands. Let's do the
12 right thing. Thank you Mr. Chair.

13 **SENATOR FORDE:** Thank you, Senator Smith.

14 Senator DeGraff, you're recognized for your
15 seven minutes.

16 **SENATOR DEGRAFF:** Yes, good evening to everyone.
17 The one fault I have with you but it really not here or
18 there is you stated you read a couple documents and signed
19 them, and in this new position if you end up sitting down
20 over there is don't make that mistake no more. End it
21 now.

22 **MR. RODRIGUEZ:** Lesson learned.

23 **SENATOR DEGRAFF:** So if you take any advice from
24 me that's the advice I'm going to give you. Now, I'm only
25 going to address the issues that we should be addressing

1 under the Revised Organic Act 6(b) under residency.
2 You've passed all the other test unless you ain't over 21,
3 but you said you're over. So you pass all the other test.

4 Now, I don't want your attorney advising you.
5 I'm ask you -- I want to you ask a direct question or
6 direct questions. And it's basically number one in
7 regards to residency is you're going to have to prove to
8 the individuals that you're a resident. Can you provide
9 documentation to show your travels and back and forth and
10 different things through request to the airlines to show
11 when you traveled to Tennessee from time you stated in
12 2013 when you came home and traveled back. Can you
13 provide that information? I know you don't have it, but
14 is it something that you could check into?

15 **MR. RODRIGUEZ:** I would have to check because
16 sometimes I may travel on a pass. So it varies. So I
17 don't know if I can give you full accurate information.

18 **SENATOR DEGRAFF:** Okay. I was told you have a
19 driver's license in Tennessee?

20 **MR. RODRIGUEZ:** No. Well, I had a driver's
21 license -- I have Virgin Islands driver's license.

22 **SENATOR DEGRAFF:** Do you have a Tennessee
23 driver's license?

24 **MR. RODRIGUEZ:** No, I don't have a Tennessee
25 driver's license.

1 **SENATOR DEGRAFF:** Okay. Were you a member of a
2 car pooling entity or anything in Tennessee that you took
3 part in in Tennessee?

4 **MR. RODRIGUEZ:** No.

5 **SENATOR DEGRAFF:** Prior to 2013?

6 **MR. RODRIGUEZ:** No.

7 **SENATOR DEGRAFF:** Okay, good.

8 **MR. RODRIGUEZ:** I had a car in Tennessee at one
9 time.

10 **SENATOR DEGRAFF:** You had a car, okay. Now
11 we're going from 2013, '13, '14, '15, are the three years
12 prior to election?

13 **MR. RODRIGUEZ:** Yes.

14 **SENATOR DEGRAFF:** 2013 you came home from where?

15 **MR. RODRIGUEZ:** January 5th from Nashville,
16 Tennessee?

17 **SENATOR DEGRAFF:** Good. January 5th you came
18 home --

19 **MR. RODRIGUEZ:** Yes.

20 **SENATOR DEGRAFF:** -- from Nashville, Tennessee.
21 You were living in Tennessee prior to 2013?

22 **MR. RODRIGUEZ:** Yes.

23 **SENATOR DEGRAFF:** For how long?

24 **MR. RODRIGUEZ:** I went there right after the
25 administration turned so that's like 2007 or 8? Seven,

1 yeah until --

2 **SENATOR DEGRAFF:** So you were a resident of
3 Tennessee?

4 **MR. RODRIGUEZ:** No. I lived in Nashville,
5 Tennessee.

6 **SENATOR DEGRAFF:** You lived.

7 **MR. RODRIGUEZ:** Yes. I reside there.

8 **SENATOR DEGRAFF:** You were a resident of
9 Nashville -- of Tennessee at that time?

10 **MR. RODRIGUEZ:** Well, I can't tell you if it's
11 resident. I know live there. I purchased a house there.
12 That's the only thing I can --

13 **SENATOR DEGRAFF:** Did you paid taxes between
14 that time and 2013 before you came home?

15 **MR. RODRIGUEZ:** That's correct, yes.

16 **SENATOR DEGRAFF:** Okay. So have you paid any
17 Tennessee taxes since 2013?

18 **MR. RODRIGUEZ:** No.

19 **SENATOR DEGRAFF:** Okay. So the taxes that were
20 claimed that you paid all your taxes in 2016. Clarify
21 that for me please?

22 **MR. RODRIGUEZ:** Well, as a result -- as a
23 condition of the bankruptcy you had to provide all your
24 tax filing in order for them to file a bankruptcy. And at
25 which time I know the statutory requirement is three years

1 you can -- you have within the three-year leeway. So what
2 I did is I went ahead, I was told these are the things
3 that you need to bring. So I went ahead and filed my
4 taxes January 25th of 2016.

5 **SENATOR DEGRAFF:** You filed 2013, '14, '15 taxes
6 in '16 --

7 **MR. RODRIGUEZ:** That's correct.

8 **SENATOR DEGRAFF:** -- or you said you were filing
9 them before?

10 **MR. RODRIGUEZ:** No, no. I filed them all
11 together.

12 **SENATOR DEGRAFF:** Okay. So clarify that again
13 for me, because if you didn't file your taxes for 2013,
14 '14, and '15, it gives credence to make a reasonable
15 person think well hey you weren't home for that time. You
16 paid your taxes in Tennessee up until what year?

17 **MR. RODRIGUEZ:** It would be 2012.

18 **SENATOR DEGRAFF:** Twelve. Okay, good. So then
19 from '13, '14, '15, you didn't pay your Virgin Islands
20 taxes. Why?

21 **MR. RODRIGUEZ:** Why? I mean statutory it's a
22 three-year requirement.

23 **SENATOR DEGRAFF:** In those years?

24 **MR. RODRIGUEZ:** I was a contractual employee.
25 But statutorily I can my pay taxes within a three-year

1 period. That's by law.

2 **SENATOR DEGRAFF:** By law?

3 **MR. RODRIGUEZ:** Yes.

4 **SENATOR DEGRAFF:** Okay. So you're within the
5 law to pay your taxes every three years.

6 **MR. RODRIGUEZ:** To file my taxes. No. I filed
7 my taxes during that period.

8 **SENATOR DEGRAFF:** Right. So you paid them 2016
9 those three years --

10 **MR. RODRIGUEZ:** File my taxes.

11 **SENATOR DEGRAFF:** -- 2019 you could pay '16,
12 '17, '18.

13 **MR. RODRIGUEZ:** Well, I don't know. But I mean
14 during that time --

15 **SENATOR DEGRAFF:** No, you said by law. If it's
16 by law that's what stands. If it's by law --

17 **MR. RODRIGUEZ:** Yes.

18 **SENATOR DEGRAFF:** -- you're entitled to let
19 three year pass and then you pay three years is what your
20 saying based on what I'm understanding.

21 **MR. RODRIGUEZ:** Yes, I didn't file my taxes at
22 that time. And so that was one of the requirements that
23 was asked of me that I needed to produce my taxes. And so
24 what I did is I completed the filing of my taxes and
25 produced them to the attorney.

1 **THE TIMEKEEPER:** One minute thirty seconds.

2 **SENATOR DEGRAFF:** Okay. So that wasn't anything
3 shady?

4 **MR. RODRIGUEZ:** No.

5 **SENATOR DEGRAFF:** By law.

6 **MR. RODRIGUEZ:** No.

7 **SENATOR DEGRAFF:** What law governs that?

8 **MR. RODRIGUEZ:** The federal law governs you can
9 file -- you have a three-year requirement to file your
10 taxes. That's a federal law.

11 **SENATOR DEGRAFF:** Okay. I just want to make
12 sure that's clear, because again when you have people that
13 is going come to accused you, we have to make sure what
14 they you accusing on they're end is factual also. So if
15 you factually paid your taxes --

16 **MR. RODRIGUEZ:** File my taxes.

17 **SENATOR DEGRAFF:** -- file your taxes in 2016 --

18 **MR. RODRIGUEZ:** Yes.

19 **SENATOR DEGRAFF:** -- for '13, '14, and '15 --

20 **MR. RODRIGUEZ:** That's correct.

21 **SENATOR DEGRAFF:** -- if law says that's what
22 you're allowed to do, then I would yield to the law.

23 **MR. RODRIGUEZ:** Okay.

24 **THE TIMEKEEPER:** Thirty seconds.

25 **SENATOR DEGRAFF:** Okay. So, again, I trying to

1 be nice, but -- so you said you had a vehicle in
2 Tennessee?

3 MR. RODRIGUEZ: Yes.

4 SENATOR DEGRAFF: You brought that vehicle home
5 with you?

6 MR. RODRIGUEZ: No. That was -- no.

7 SENATOR DEGRAFF: You sold it?

8 MR. RODRIGUEZ: No. That was a part of the
9 bankruptcy agreement.

10 SENATOR DEGRAFF: Oh, they went with the
11 vehicle, too?

12 MR. RODRIGUEZ: Yeah. My wife had the vehicle.
13 She drove the vehicle.

14 SENATOR DEGRAFF: Okay.

15 MR. RODRIGUEZ: I didn't have a vehicle in St.
16 Thomas.

17 SENATOR DEGRAFF: One other thing I'm hearing,
18 how many times have you filed bankruptcy?

19 THE TIMEKEEPER: Time.

20 MR. RODRIGUEZ: I think it was in 2010 when my
21 business fold under, and our major issue was because we
22 were dealing with our predatory lending lawsuit. There
23 were times when because of financial reasons we had to do
24 is pro se, and so that created a continuation of the
25 filing, and so that's what happened.

1 **SENATOR DEGRAFF:** Okay.

2 **MR. RODRIGUEZ:** So we couldn't afford to get an
3 attorney. So we had to do it on our own.

4 **SENATOR DEGRAFF:** Thank you very much. Thank
5 you for the time, Mr. Chair.

6 **SENATOR FORDE:** Thank you, Senator DeGraff. Mr.
7 Rodriguez.

8 **MR. RODRIGUEZ:** Yes.

9 **SENATOR FORDE:** Just a while ago you puzzled me
10 a little bit when you hesitated when the good senator
11 asked you about whether or not you were a resident of
12 Tennessee. You registered to vote in Tennessee?

13 **MR. RODRIGUEZ:** Yes.

14 **SENATOR FORDE:** You had a driver's license in
15 Tennessee?

16 **MR. RODRIGUEZ:** That's correct.

17 **SENATOR FORDE:** You resided in a home in
18 Tennessee?

19 **MR. RODRIGUEZ:** That's correct.

20 **SENATOR FORDE:** You worked in a Tennessee?

21 **MR. RODRIGUEZ:** That's correct.

22 **SENATOR FORDE:** You had business? You owned a
23 vehicle?

24 **MR. RODRIGUEZ:** That's correct.

25 **SENATOR FORDE:** Why the hesitation that you were

1 specific that you reside there but you weren't --

2 **MR. RODRIGUEZ:** No. But I don't know the
3 definition of resident. So I told him I reside there. So
4 if reside -- if you lived there and these are the
5 requirements then you would be a resident of Tennessee. I
6 said I reside in Tennessee. I was accurate about I had a
7 car. I filed my taxes there. I worked there, and I had a
8 business there. So that in itself is like
9 self-explanatory.

10 **SENATOR FORDE:** Senator Francis, you're
11 recognized.

12 **SENATOR FRANCIS:** Thank you very much Mr. Chair.
13 Good evening to everyone.

14 **THE TESTIFIERS:** Good evening.

15 **SENATOR FRANCIS:** You know, you damn if you do,
16 damn if you don't in this Legislature. You know, we as
17 Democrats, we are the majority here, and I think that we
18 come -- we become a easy target, because Democrats are the
19 best game in town, frankly speaking, and every
20 organization have their faults. As a matter of fact, the
21 reason why we even have a fall out within the Democratic
22 Party is because we have not moved on seating you back in
23 January. If we had done that we won't have a problem
24 today. We moving forward, working on bigger and better
25 things.

1 So, you know, individuals continue to take pot
2 shots at Democrats for whatever reason, and I could
3 understand that we're the best game in town. But the ICM
4 have problems in their organization if they could barely
5 find 20 people. The Independents have problem in their
6 organization. The Republicans have problems in their
7 organization. We got problems in our Democratic Party,
8 too, but, you know, we working it out. So we'll try to
9 move on here, because we have a very important issue to
10 deal with here.

11 As a matter of fact, when we talk about
12 embracing our brother candidate that was actually elected,
13 didn't we meet immediately after election before the new
14 year? Did we meet as caucus to have a discussion about
15 organization?

16 **MR. RODRIGUEZ:** That's correct, Senator.

17 **SENATOR FRANCIS:** More than once?

18 **MR. RODRIGUEZ:** Yes, Senator.

19 **SENATOR FRANCIS:** With all of your Democratic
20 candidates -- colleagues?

21 **MR. RODRIGUEZ:** Yes, Senator.

22 **SENATOR FRANCIS:** Did you also meet with other
23 individuals as well.

24 **MR. RODRIGUEZ:** Yes, Senator.

25 **SENATOR FRANCIS:** Non-Democrats?

1 **MR. RODRIGUEZ:** Yes, Senator.

2 **SENATOR FRANCIS:** Okay. So there's a story.

3 Anyway, we continue to ask you to be truthful and honest
4 about your information that you're having here or you're
5 bringing forth here. And then there's still some
6 reluctance, in my opinion, in terms of the information.
7 We need full disclosure so that we could truly move
8 forward.

9 You were asked about the driver's license issue
10 earlier, and again you were reluctant to say that you had
11 a Tennessee license --

12 **MR. RODRIGUEZ:** Yes.

13 **SENATOR FRANCIS:** -- however, you have since
14 acquired a Virgin Islands license. Can you speak to when
15 you got that Virgin Islands license?

16 **MR. RODRIGUEZ:** I would have to look at the
17 date. As a matter of fact I got the Virgin Islands
18 license when I lost my Tennessee license.

19 **SENATOR FRANCIS:** -- which is this year,
20 correct?

21 **MR. RODRIGUEZ:** Yes, that's correct. Let me
22 look at the date. July 19, 2017 -- I mean 2016.

23 **SENATOR FRANCIS:** July 2016.

24 **MR. RODRIGUEZ:** Yes.

25 **SENATOR FRANCIS:** And then you were asked about